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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/965,779 | 09/27/2001 | Thomas Spichale | 10191/2012 | 3425 |
| 26646 | 7590 | 02/08/2005 | EXAMINER | |
| KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004 | | | CHANG, EDITH M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2637 | |

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,779

Applicant(s)

SPICHALE, THOMAS

Examiner

Edith M Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20010927.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The block pertaining elements 100 to 106 in Figure 1 and elements 200 to 205 need to have descriptive label, in conformance with 37 CFR 1.84(n) and 1.84(o). For example, a descriptive label of "live driver" should be inserted into Figure 1 to properly describe element 101; "LIN slave system" should be inserted into Figure 2 to properly describe element 201.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Perelman (US 5,052,037).

To claims 1-2, 8-11, in FIG. 1, Perelman teaches a device and it method comprising two subscribers, one (a first) subscriber is the pulse width modulation (PWM) modem block 80 (Abstract lines 1-2, column 2 lines 64-67) at a first transmitting rate (column 3 lines 21-22, the PWM period), one (a second) subscriber is the camera 12 of the video signal (column 1 lines 51-56, column 4 lines 48-52) with a second transmitting rate (column 5 lines 22-25). The duty cycle of the PWM represents the number of the binary bits of the video signal (Abstract line 16-20, column 3 lines 19-29), with adjusting (or increasing) the rate of the binary bits (the number of the binary bits per unite time) the cycle of the PWM is adjusted accordingly (column 3 lines 21-22 the PWM width determined by the transition of the last bit of the counter in which the binary word of the video signal stored). And it is well known in the art that the video signal is in the NRZ (No Return to Zero) form and can be a start-stop asynchronous data signal.

To claims 3 & 5, Perelman teaches the PWM representing the number of binary bits in one time segment which is based on the send transition count of the counter (column 3 lines 21-22, lines 46-52 & column 4 lines 6-9), wherein determining the number of binary bits is a function of a settable send transition count that the count is the period/width of the PWM, hence

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determining the asynchronous data signal (the number binary bits) as a function of the first transmission rate (the PWM period).

To claim 4, Perelman teaches the PWM representing the number of binary bits which is based on the rate of the binary bits of the video signal (the second transmission rate).

To claim 6, it is well known in the art that the asynchronous data signal comprising data groups beginning with a start binary bit followed with at least one data bit and ended with a stop bit.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perelman in view of Nakamura (US 4,731,781).

To claim 7, Perelman does not specify the synchronization signal at the beginning of the PWM data signal. However, Nakamura teaches the synchronization signal S in FIG.2, FIG.4, and FIG.5. As Perelman using the PWM for transmission, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have the synchronization signal S before the PWM data in order to have an efficient PWM transmission for transmitting continuous information (column 1 lines 6-10 '781).


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang
February 7, 2005


YOUNG T. TSE
PRIMARY EXAMINER